REMARKS

Claims 37-40 have been cancelled without prejudice or disclaimer thereof. Applicants have taken this opportunity to effect minor clarifying amendments in claims 1, 2, 4, 7, 8 and 41. No new matter has been added.

Applicants thank the Examiner for the cordial telephonic interview of March 9, 2000 with agent Stephen Scribner. In the interview it was agreed that all claims relating to a kit for assessing muscle damage, i.e., claims 29 to 36, should be included in Group II of the Election/Restriction Requirement. Hence, only claims 1 to 28 should be included in Group I.

For the purpose of fully responding to the Election/Restriction Requirement, Applicants provisionally elect Group I, claims 1 to 28 (as explained above), relating to a method for assessing muscle damage. Under sections 4, 5, 6, and 7 of the Restriction Requirement the Examiner requested election of species. Applicants' species elections are as follows: section 4, antibody or functional fragment; section 5, troponin I; section 6, residues 1-193 of troponin I; section 7, residues 20 to 199 of myosin light chain 1. These elections are made with traverse, for the reasons set forth below.

Applicants believe that the claims of Groups I and II are intimately linked because the Group II claims are drawn to a kit for assessing muscle damage which *cannot* be used without practicing the method of the invention recited in the claims of Group I. As practicing the method of Group I is inherent in using the kit of Group II, Applicants respectfully submit that Groups I and II should be rejoined.

Applicants further submit that the claims of Groups I and IV are intimately linked because they all are drawn to methods of diagnosing muscle damage involving detection of myofilament protein modification product(s) in a biological sample obtained from a subject . As amended, claim 1, the only independent claim in Group I, recites "a method for assessing muscle damage in a subject, comprising evaluating for the presence or absence of a myofilament protein modification product in a biological sample ... ". As amended, claim 41, the only independent claim in Group IV, recites "a method for assessing muscle damage in a subject", which method comprises "characterizing the profile of ... one or more myofilament proteins or myofilament protein modification products". The "characterizing the profile" recitation in claim 41 may be thought of as another way of "evaluating for the presence or absence of a myofilament protein modification product", per claim 1. Thus the goal of the claims of Group IV is ultimately the

diagnosis of muscle damage, and not profile characterization as alluded to by the Examiner in section 3, second paragraph of the Restriction Requirement. In essence, the claims of Group IV narrow the scope of claim 1 in Group I by reciting additional steps, i.e., profile characterization, as a means by which muscle damage can be assessed. Accordingly, the claims of Group IV represent no additional search burden over Group I, and might even be written in dependent form.

Thus, it is clear that Groups I, II, and IV are closely related in inventive concept and should be rejoined and examined together. As this relatedness implies, rejoinder of these claims would not impose an undue search burden upon the Examiner.

In view of the above, Applicants respectfully request withdrawal of the Restriction Requirement insofar as it distinguishes between Groups I, II, and IV.

If the Examiner has any questions about this application, he is asked to please telephone Stephen Scribner (Reg. No. 44,452) or Carol Miernicki Steeg (Reg. No. 39,539) at 613-533-2342.

Please charge any fees that may be required, for which no cheque is enclosed, to Deposit Account No. **17-0110**.

Respectfully submitted,

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